

### *REMARKS*

The Examiner is requested to approve the accompanying replacement drawings. The changes to the drawings are to replace reference numeral "47" with --77-- in Figure 1, and to show the external pressing device 49', along with clamp 49a and bushing 49b, in Figure 9.

The amendments set out above and the following remarks are believed responsive to the points raised by the Office Action dated August 27, 2003, and discussed during the interview with Examiner Ocampo and Supervisory Patent Examiner Walker on January 8, 2004. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

As an initial point, Applicants' representative greatly appreciates the courtesy shown him by Examiners Ocampo and Walker, and further appreciate their careful consideration of the arguments presented during the interview.

#### *The Pending Claims*

Claim 25 has been canceled, and claims 21-24, and 26-44 remain pending.

Claims 21-24, and 26-44 have been amended to describe the invention more clearly. No new matter has been added, the basis for the amended claim language may be found within the original specification, claims and drawings.

Claim 21 is supported at, for example, the paragraph bridging pages 5 and 6, the first full paragraph on page 6; page 8, second paragraph, and Figures 1, 2, 5, and 8. Entry of the above is respectfully requested.

At the interview, Applicants' attorney discussed the nature of the present invention and the disclosures of the cited references. The claims have been amended in the manner discussed at the interview, so as to more particularly set out Applicants' invention.

#### *The Office Action*

For convenience, the following remarks will address the various objections and rejections in the same order they were raised in the Office Action.

The Office Action indicated the drawings were objected to as the pressing device being supported external to the container on the container cover was not shown, and reference character "47" was used to designate the clamps shown in Figure 8 (and described at page 8), and to designate the recess of the drainage bottom plate in Figure 1 (and described at page 5).

In the proposed drawing corrections, Figure 9 is modified to show a pressing device supported external to the container, and Figure 1 is modified to replace reference character "47" with --77--. The specification was similarly amended at page 5, second paragraph.

Withdrawal of the objection and approval of the drawing corrections is requested.

Claim 28 was objected to as depending from canceled claim 1. Claim 28 has been amended to depend from claim 21, thus obviating the rejection.

*Rejections under 35 USC §§ 102 and 103*

Claims 21-28 and 31 were rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,549,824 to Trumpf et al. (hereinafter referred to as "Trumpf et al.").

Claims 21-29, 31, 35, 36, 38, and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over International Publication No. WO 99/19041 (hereinafter referred to as "WO '041") in view of U.S. Patent No. 4,704,207 to Chu (hereinafter referred to as "Chu") and Trumpf et al.

Claims 30 and 32-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO '041, Chu, and Trumpf et al. as applied to claims 28 and 31, respectively, and further in view of International Publication No. WO 99/19042 (hereinafter referred to as "WO '042").

Claims 37, 40-42, and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO '041, Chu, and Trumpf et al. as applied to claims 35 and 38, respectively, and further in view of U.S. Patent No. 2,692,686 to Fleck et al. (hereinafter referred to as "Fleck et al.").

Claim 43 was rejected under 35 U.S.C. §103(a) as being unpatentable over WO '041, Chu, Trumpf et al. and Fleck et al. as applied to claim 42, and further in view of U.S. Patent No. 4,392,956 to Vogel (hereinafter referred to as "Vogel").

Each of these rejections is separately and respectfully traversed.

Claim 21 has been amended to indicate that each filter cell substantially comprises first and second filter material layers, each filter material layer having an inner surface and an outer surface, the filter material layers having peripheral edges that are connected sealingly, the filter cell having a hollow inner space between the filter material layers.

Trumpf et al. discloses that each filter fabric is inserted and held between two plates so that a filtering plane is formed (col. 2, lines 30-31). There is no disclosure in Trumpf et al. of a filter cell substantially comprising first and second filter material layers, each filter material layer having an inner surface and an outer surface, the filter material layers having peripheral edges that are connected sealingly, the filter cell having a hollow inner space between the filter material layers. Rather, Trumpf et al. discloses that a disc-shaped filter fabric 17 is placed on a closure plate 16, and then a first plate 10 is slipped over cylinder 4 so that the filter fabric 17 is

clamped between the first plate **10** and the closure plate **16** (col. 4, lines 16-19). Another filter fabric **17** is placed on the plate **10** and a second plate **11** is added (col. 4, lines 23-24). Since Trumpf et al. teaches fabrics separated by plates, and there is no disclosure of sealing the peripheral edges of the fabrics together, it is submitted the rejection of independent claim 21 (and the claims dependent therefrom) under 35 U.S.C. §102 has been overcome.

With respect to the rejection of claim 21 under 35 U.S.C. §103(a), it is noted that the present claims are directed to a module filter arranged for “inside-out” filtration flow, in that the fluid to be filtered (the non-filtrate) flows into the interior chamber of the filter cell so that solids to be removed from the non-filtrate are deposited within the individual filter cells, and the filtrate passes to the exterior of the cells. WO ‘041 and Chu are both directed to “outside-in” filtration flow, wherein the fluid to be filtered is passed from the exterior of the cell into the interior, so that solids to be removed from the non-filtrate are deposited on the exterior surface of the filter cell, rather than deposited within the interior of the cells. Moreover, Chu discloses the advantages obtained during outside-in flow (e.g., col. 2, lines 17-37) further reinforcing that the disclosures would not lead one to modify a filter for inside-out filtration flow. Accordingly, it respectfully submitted that one of ordinary skill in the art would not be led from the disclosures of WO ‘041 and Chu to that of Trumpf et al.

Nevertheless, the combination would still fail to lead one to the claimed invention. As described and illustrated in the present application (*see, for example*, page 5; Figures 2 and 8) the outer diameter of the support element is spaced from the peripheral edges of the filter material layers to provide the hollow inner space of the filter cell. Advantageously, this also provides open communication between the central channel of the module filter and the hollow inner space (*see, for example*, page 6, lines 10-11 of text) allowing solids to be deposited in the space in the individual filter cells, and the solids cannot exit to the exterior during filtration (*see*, page 2, lines 1-3 of text). Claim 21 as amended recites a module filter comprising a support element in each filter cell, the support element spacing apart the inner surfaces of each filter material layer, the support element comprising a ring and having an outer diameter, wherein the peripheral edges of the filter material layers are spaced from the outer diameter of the support element to provide the hollow inner space, the ring having openings providing fluid communication between the central channel and the hollow inner space of said filter cell.

There is no such module filter disclosed in any of WO ‘041, Chu, and Trumpf et al., and these references, whether taken alone or in combination, fail to teach or suggested the embodiment of the invention according to claim 21. The Office Action has acknowledged (e.g., in the discussion regarding previously pending claim 25) that WO ‘041 fails to disclose a support element spacing apart the filter material layers of a filter cell. While Chu discloses an

internal spacer **20**, the peripheral edges of the filter media **10** and **15** are not spaced from the outer diameter of the internal spacer **20** to provide the hollow inner space of the filter cell (*see*, Figures 1-4). One of ordinary skill in the art would not be led to modify Chu to provide such an arrangement, since it would allow the filter cell to collapse during use (*see*, Chu, col. 2, lines 17-35, referring to preventing collapse). Trumpf et al. does not remedy the deficiencies of WO '041 (that fails to even disclose a support element) or Chu, since, for example, Trumpf et al. teaches the peripheral edges of the individual disc-shaped filter fabrics **17** contact the first plate **10** or the second plate **11** (*see, e.g.*, col. 3, lines 17-22), and, as noted above, Trumpf et al. fails to teach a filter cell substantially comprising first and second filter material layers, each filter material layer having an inner surface and an outer surface, the filter material layers having peripheral edges that are connected sealingly, the filter cell having a hollow inner space between the filter material layers.

Accordingly, it is respectfully submitted the combination of WO '041, Chu, and Trumpf et al fails to render the present invention obvious, and withdrawal of the rejection of independent claim 21 (and dependent claims 22-24, 26-29, 31, 35, 36, 38, and 39) is requested.

Since the references applied in the rejections of various other dependent claims, i.e., WO '042 (applied against claims 30 and 32-34), Fleck (applied against claims 37, 40-42, and 44), and Vogel (applied against claim 43), fail to remedy the deficiencies of WO '041, Chu, and Trumpf et al., it is submitted that the rejections of the various other dependent claims should also be withdrawn. The fact that WO '042 may teach knobs and frames, and Kleck may teach a threaded tube **6** and pressure plate **15**, and Vogel may teach a movable head **38** and a hand wheel **50**, is of no import, since, as noted above, the teachings in these documents do not remedy the deficiencies as set forth above.

For the reasons set forth above, reconsideration of the rejections is respectfully requested.

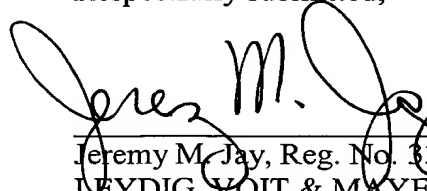
### *Conclusion*

It is believed this response summarizes all the issues discussed during the interview. In view of the amendment and remarks recited herein, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

In re Appln. of DIEMER et al.  
Application No. 09/868,425

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeremy M. Jay", is written over a horizontal line.

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Amendment or ROA - Regular (Revised 7/29/03)